

satisfied, after informing themselves of the facts, that homicide has not been committed.

I know, besides, that in most of such cases, their judgment is right.

But, upon one hand, they have arrogated to themselves powers which they do not possess, in holding an inquest which they are in no wise qualified to hold; and on the other hand they have often enquired into the facts in an incomplete manner, and always without being thoroughly sure that the truth has been told to them; they have assumed a responsibility which the State does not require of them, and they may be the cause, if mistaken, of a crime going unpunished.

Evidently a judicial officer vested with special power and scope, able to command in time of need all the machinery of the police and of the law, will always have better opportunity to see the entire circumstances in all their details. And, I will not surprise anyone by saying that the magistrate will, sometimes, suspect a crime, where a person outside the profession would only see an accident.

Hence, it imports, and it is a duty of the State to search out all homicides. Consequently it is its duty to enquire in all cases of accidents, whether homicide is a possibility, and permission to bury cannot and should not be given by the officer of the State except when his investigations have shown that homicide has not been committed.

47. All unnatural deaths necessarily give rise to the idea of homicide. It is due to somebody's fault, whether it may be imputed to the victim himself or to another. Of accidents, which it has been agreed to call misadventure or unavoidable, it might almost be affirmed that they would not exist, if people evinced in all their actions the caution to be expected from enlightened beings. A few instances of accidents will make the truth of this assertion better understood.

A person walks on the railway track, and is crushed by a train; the engine driver may be to blame, if he should have understood in time to avert the accident, that the person could not get out of the road.